

FISH & WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: August 8, 2013

Agenda Item: Harrison Lake Rule-Making Petition

Division: Enforcement

Action Needed: Deny petition or initiate rulemaking

Time Needed on Agenda for this Presentation: 15 minutes

Background

In March of 1987 the commission proposed wake restriction on all of Willow Creek Arm and Norwegian Arm in Harrison Lake as buoyed “in response to a complaint pointing out the danger posed to other water users”. Responding to public comment, the commission amended its original proposal establishing a wake restriction from 6 p.m. to 11 a.m. to balance the desire for quiet and the expressed desires of boaters, and address safety concerns by prohibiting high speed boating during the hours when fishing is most popular. In 1987 the commission stated, “...by establishing specific hours for the no wake speed limit, anglers and other who prefer the lake without high speed boats can be assured of a time to enjoy it. Water-skiers who rely on the lake as a major source of recreation are also assured their time every day, including weekends.”

On June 11, 2013 the Director's Office received a rulemaking petition related to the no-wake zone on Harrison Lake. The petition contained two options: 1) (the preferred option) repeal the wake restrictions on Harrison Lake completely; or 2) amend the wake restriction to 8 p.m. to 8 a.m. Since 1987 Harrison Lake has remained a popular location for both fishing and water skiing, and the potential for conflict between those uses has increased because of greater demand and bigger boats. FWP enforcement officers witnessed this conflict in recent years and have expressed concern about the safety of skiers and other recreationists under the current regulations.

Public Involvement Process & Results

If the rulemaking petition is denied then no further public involvement is required. If the commission decides to proceed with rulemaking, then the proposal will be noticed with the Secretary of State and published, the Proposal Notice will be posted on the FWP website and legal notices and press releases will be submitted to the media. A public hearing will be scheduled in Bozeman during the week of Sept. 30. Upon completion of the public comment period, the commission will make a final determination whether to adopt the rule or not.

Alternatives & Analysis

The commission could choose to deny the petition or initiate rulemaking as requested by the petition.

Agency Recommendation & Rationale

FWP recommends that the commission deny the petition for rulemaking. The hazards of water skiing in the Willow Creek and Norwegian arms have increased with greater demand and bigger boats. Given safety concerns and user conflicts there is no justification for reducing or eliminating the current no-wake restrictions.

Proposed Motion

I move the Fish & Wildlife Commission deny the petition for rulemaking in the matter of the no wake zone on Harrison Lake in the Willow Creek and Norwegian arms.